

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORI A. PERDUE,

Plaintiff,

Case no: 15-14006

District Judge Victoria A. Roberts

Magistrate Judge Elizabeth A. Stafford

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER:

(1) ADOPTING REPORT AND RECOMMENDATION (Doc. #29);

(2) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

(Doc. # 18); AND,

(3) DENYING PLAINTIFF'S AMENDED MOTION TO REMAND (Doc. # 17)

Plaintiff Lori Perdue ("Perdue") brings this action pursuant to 42 U.S.C. 405(g). She appeals the denial of Social Security disability benefits by the Commissioner of Social Security (the "Commissioner"). The Appeals Council denied Perdue's Request for Review of the decision issued by the Administrative Law Judge ("ALJ") on October 9, 2015. That ALJ decision stands as the Commissioner's final decision. The parties filed cross-motions for summary judgment. The Court referred those motions to Magistrate Judge Elizabeth Stafford.

Magistrate Judge Stafford issued a Report and Recommendation ("R&R") recommending that the Court grant Defendant's Motion and deny Perdue's. Magistrate Judge Stafford found that: (1) substantial evidence support the ALJ's decision that Perdue had the residual functional capacity ("RFC") to perform a limited range of light

work; (2) none of the evidence demonstrates that Perdue requires a more restrictive mental RFC; (3) Perdue's arguments that the ALJ failed to account for her need for a cane in his RFC assessment is without merit; and, (4) Perdue has not met her burden to demonstrate that she requires a more restrictive RFC.

Perdue filed objections to the R&R. They relate to: (1) the ALJ's conclusion that Perdue had the RFC to perform light work despite her mental impairments; (2) the ALJ's conclusion that she has moderate difficulties with concentration, persistence, or pace; and, (3) the ALJ's conclusion that Perdue had the RFC to perform light work despite her use of a cane.

After proper objections are made, the Court reviews *de novo* a Magistrate Judge's Report and Recommendation on a dispositive motion. 28 U.S.C. § 636(b)(1); F. R. Civ. P. 72(b)(3). A court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* A district court need not conduct *de novo* review where the objections are "[f]rivolous, conclusive or general." *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir.1986) (citation omitted); *see also Rice v. Comm'r of Soc. Sec.*, 169 F. App'x 452, 453-54 (6th Cir. 2006) ("issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived.") (quoting *McPherson v. Kelsey*, 125 F.3d 989, 995-96 (6th Cir.1997)). After completing a *de novo* review, there is no requirement that the district court articulate all of the reasons it rejects a party's objections. *Tuggle v. Seabold*, 806 F.2d 87, 93 (6th Cir. 1986); *Dickey-Williams v. Comm'r of Soc. Sec.*, 975 F. Supp. 2d 792, 798 (E.D. Mich. 2013).

After carefully reviewing the cross motions for summary judgment, the R&R, Perdue's objections, the Commissioner's response, and the remainder of the record, the Court agrees with Magistrate Judge Stafford's conclusions.

Magistrate Judge Stafford accurately laid out the facts and relevant portions of the administrative record; she engaged in a thorough analysis of the issues and provided reasoned explanations for her conclusions. In reaching her conclusions, Magistrate Judge Stafford considered the entire record and applied the appropriate standard for review of an ALJ's decision.

Accordingly, the Court **ADOPTS** Magistrate Judge Stafford's Report and Recommendation: Defendant's Motion for Summary Judgment is **GRANTED**; Plaintiff's Motion to Remand is **DENIED**. The decision of the Commissioner of Social Security is **AFFIRMED**.

IT IS ORDERED.

S/Victoria A. Roberts

United States District Judge

Dated: March 14, 2017